



CITY OF SUNNYVALE REPORT Planning Commission

September 13, 2004

SUBJECT: **2004-0602 – Brad Clausen** [Applicant/Owner]: Application for related proposals on a 26,600 square-foot site located at **1044 West El Camino Real** in a C-2 (Highway Business) Zoning District. (Mitigated Negative Declaration) (APN: 198-26-007)

Introduction of an Ordinance **Rezone** from C-2 (Highway Business) to C-2-ECR (Highway Business/ El Camino Real Precise Plan) Zoning District,
Motion **Special Development Permit** to allow the construction of a 10,696 square-foot motorcycle sales, parts, and service building.

REPORT IN BRIEF

Existing Site Vacant commercial building.

Conditions

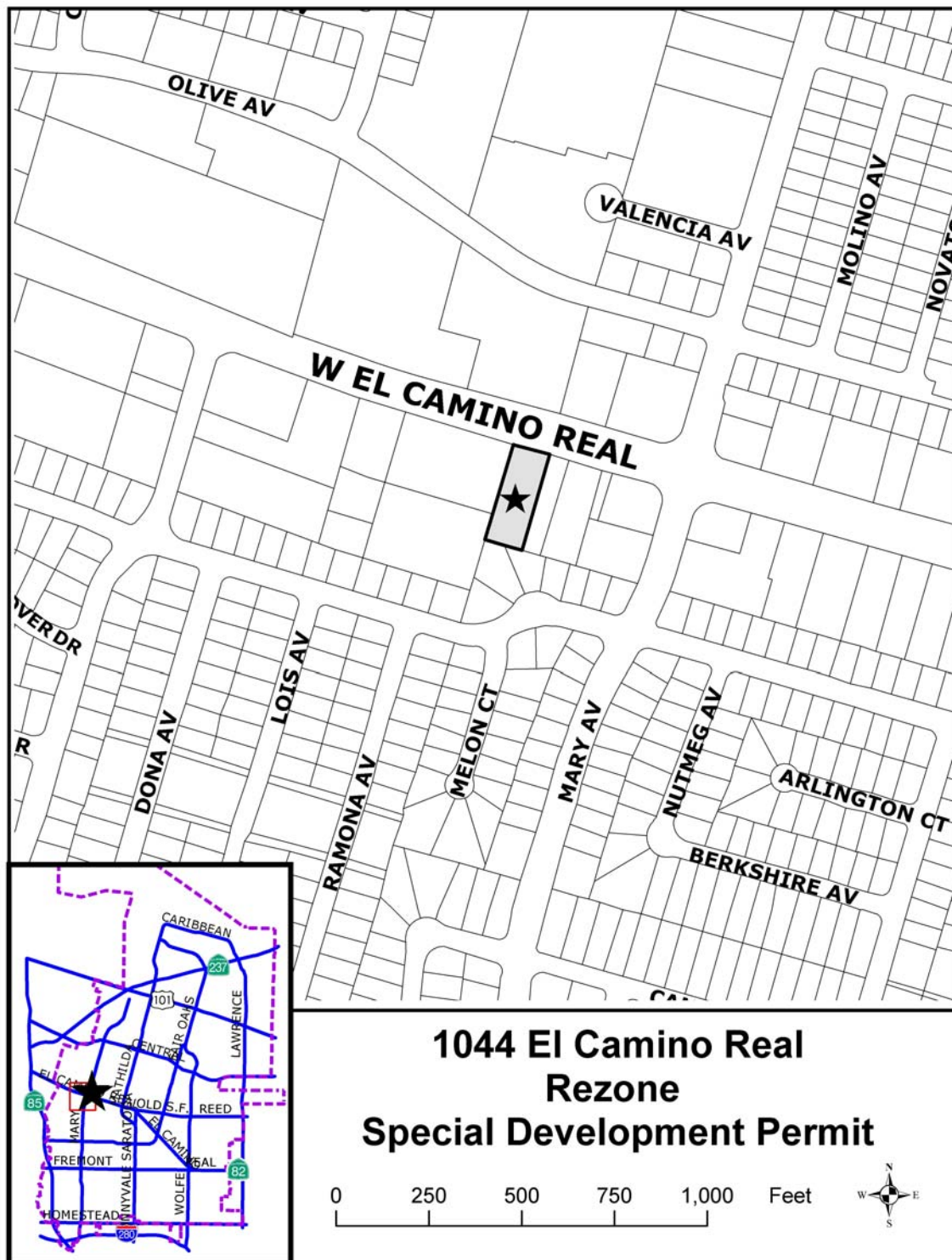
Surrounding Land Uses

North	Auto Dealership
South	Single Family Residential
East	Veterinary hospital
West	Auto dealership

Issues Compatibility of the proposed use with El Camino Real Precise Plan
Parking requirements
Landscaping requirements

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	CGB	Same	Same
Zoning District	C-2	C-2-ECR	Same
Lot Size (s.f.)	.6 acres	Same	None
Gross Floor Area (s.f.)	3,637 sf	14,539 sf	None
Lot Coverage (%)	14%	24%	35% max.
Floor Area Ratio (FAR)	14%	41%	None
No. of Buildings On-Site	2	2	Per SDP
No. of Stories	1	2 (plus basement)	8 max.
Building Height (ft.)	20'	34'	75' max.
Setbacks (facing property)			
• Front	70'	70' min	70' min
• Left Side	0'	0'	No min.
• Right Side	65'	53'	No min.
• Rear	55'	110' - new building 55' - remaining bldg.	No min.
★ Landscaping (sf.)			
• Total Landscaping	3,875 sf (14%)	4,549 sf (17%)	5,227 (20%) min.
• Landscape Frontage (ft)	15'	15'	15' min.
• Landscape Buffer in Rear (ft)	15'	15'	15' min.
Parking			
★ • Total No. of Spaces	31	41	43 min.
• No. of Standards	31	20	21 min.
★ • No. of Compacts / % of total	0	21	50% max.
• No. of Accessible	0	2	2 min.

★ Indicates deviation from the Zoning Code.

ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site:

File Number	Brief Description	Hearing/Decision	Date
1999-0060	Use Permit to allow construction of a new auto service building next to existing used auto sales building	Planning Commission/ Approved	1999
1997-0489	Use Permit to allow auto service facility and used auto sales	Planning Commission/ Approved	1997
1995-0362	Use Permit to allow used auto sales	Approved	1995
1985-0322	Use Permit to convert to a sit-down style restaurant	Approved	1985
1963-0122	Use Permit and Rezone to allow a drive-in restaurant	Approved	1963

A Planning Commission study session was held for this item on August 23, 2004. At that meeting, the Planning Commission gave comments regarding the following issues: deviation from the number of required parking spaces, location of the trash enclosure next to residential, proposed architecture, and impacts to the adjacent residents. The Commissioners also felt the project had several positive aspects, including: good re-use of this site, architecture, and compatibility of use on this portion of El Camino Real.

Subsequent to the study session, the applicant has submitted an alternative set of plans showing modifications to the following: trash enclosure location, number of parking spaces, and location of parking spaces. (See Attachment #4)

Description of Proposed Project

The project consists of a Rezone and Special Development Permit request to allow the construction of a new two-story, 8,746 square foot retail building. The building is intended to house a new motorcycle dealership and will consist of a showroom/retail area, offices, restrooms, service counter, parts department, and accessory retail floor area. In addition, the new building will also have a new 3,843 square foot basement area, used for storage. The existing 1,932 square foot building will remain, for a total of 14,521 square feet.

There are two existing buildings on site. The first is an office and retail building of approximately 1,700 sf., which is proposed for demolition. The second building is an existing 1,932 square foot automotive repair/service building on site, which is proposed to remain. This building was constructed in 1997 and contains two service bays (4 cars), restrooms, and an office area.

Environmental Review

A Mitigated Negative Declaration has been prepared for this project in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that, with mitigation, the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

The recommended mitigation measures relate to parking lot and building lighting that could impact the adjacent residents. The mitigations include down lighting requirements and a prohibition on lighting crossing property lines. These mitigation measures are included in the Mitigated Negative Declaration and are incorporated into the Recommended Conditions of Approval.

Rezoning

Change Under Consideration: The site is currently Zoned C-2 (Highway Business). The applicant is requesting a Rezone from C-2 to C-2-ECR (Highway Business/El Camino Real Precise Plan).

Objective: This Rezoning request is being made to allow the applicant to concurrently apply for a Special Development Permit (SDP) to construct the new motorcycle dealership. The purpose of the ECR Combining District is to implement the vision described in the Precise Plan for El Camino Real. This vision calls for modifications, additions, and limitations to zoning district regulations in order to implement the plan for, and respond to the special conditions present along El Camino Real. In 1998, the City Council approved guidelines for the use of Combining Districts and Special Development Permits. The subject request for a Combining District meets all of the three applicable established guidelines.

- *To facilitate development or redevelopment of a site to improve the neighborhood.*
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project.*

- *To allow for the development and creation of lots that are less than the minimum size required in the base zoning district.*

Discussion: The ECR Combining District enables the consideration of deviations from the Code and/or imposition of more restrictive requirements. The ECR Combining District provides flexibility in formulating a project that promotes transition and reinvestment in the neighborhood. The ECR is a Combining District, similar in function to a Planned Development (PD) Combining District, but with specific limitations/requirements for properties along El Camino Real.

The Precise Plan for El Camino is also intended to provide a strong vision for El Camino's future growth. It categorizes land uses that are considered desirable and uses that are considered unfavorable or obsolete. The plan identifies ten Opportunity Areas along El Camino that have a higher potential for change and greater contribution towards the plan's vision. The subject site is not identified as one of these ten Opportunity Areas. All parcels on the street are required to be Rezoned to ECR when redevelopment occurs. Specifically, the Precise Plan required all properties to be Zoned C-2-ECR, O-ECR, or R-4-ECR.

The plan does not specifically identify areas for auto or motorcycle dealerships on El Camino but does state, "specific areas will become known for car dealerships, small retail establishments, major office complexes, or large discount stores." In this case, the motorcycle dealership is moving out of a smaller tenant strip shopping center that contains mostly retail shops and is proposing to move into an auto dealership area. The site is adjacent to Larry Hopkin's Sunnyvale Honda and across El Camino from Peterson's Motors.

Special Development Permit

Use: The site is proposed as a new motorcycle dealership and repair/service shop. The applicant is Honda Peninsula Decati, which currently exists at 1289 W. El Camino Real. This shop has been at its present location for 21 years, but the applicant does not own the current building and has been leasing the space. The applicant now wishes to construct a permanent home for the dealership in Sunnyvale.

Site Layout: The proposed new building will be constructed next to the existing service building on the eastern property line (See Site Plan Attachment #4). The buildings will meet all setback and lot coverage requirements. The applicant is proposing to have a motorcycle display area within the 70-foot required front yard building setback area. The display area will be constructed with an impervious turf block material that will contribute towards the overall landscaping.

All oil and other hazardous materials will be kept in an enclosed and secured storage area to the back of the service building. Tires will be similarly stored in a fenced area near the rear of the site. Both of these areas are separated from the adjacent residential areas by approximately 30 feet and will be secured after business hours.

At the Planning Commission study session, concerns were raised about the location of the trash enclosure. The enclosure was previously located to the rear of the site, within the required 10-foot landscape buffer strip. Responding to the Commissioner's comments, the applicant moved the trash bins into the enclosed storage area where the oil is proposed to be located. The trash bins will be located behind a six-foot masonry wall. This area is between 30 and 55 feet from the rear property line area.

Surrounding Uses: To the west of the site is the Larry Hopkin's Sunnyvale Honda auto dealership. To the east are a veterinary hospital and a craft store (Cranberry Hill). Across El Camino to the north is an auto dealership. To the south of the site is a single-family residential zone on Blair Avenue.

The following City Wide Design Guidelines were considered in analysis of the project site design:

Design Policy or Guideline (Site Layout)	Comments
Site Design A1: New projects shall be compatible with the surrounding development in intensity, setbacks, building forms, material, color and landscaping.	<i>This project is consistent with the intent of the ECR zoning of the site and the surrounding developments on El Camino Real. Future land uses in this area will all be commercial operations and will be developed at similar intensities.</i>
Site Design B9: Emphasize the pleasant components of the project such as existing trees and views, and disguise its less desirable scenes such as loading and service areas through placement and design of structures and landscaping.	<i>The new and existing buildings will hide the trash enclosures, the hazardous materials storage, outdoor storage area, and storage of vehicles away from view off of El Camino. The street view will be only of the proposed new building and of the vehicle display area in the front. The buildings are 55 feet from the residential neighbors to the back of the site.</i>

Architecture: The applicant is proposing a modern style building of approximately 8,764 square feet exposed above grade. The architecture is

simple and unadorned, which is consistent with the modern architectural form. The exterior will have a variety of materials, including metal, glass, and stucco. In general, staff believes the architecture proposed meets the City Wide Design Guidelines, but recommends a modification of the proposed colors. The colors are grey tones of grey with red highlights. Staff believes the architect could incorporate some additional colors or materials that would create a better design. Condition of Approval #10 requires a modification of the proposed exterior colors.

The following Guidelines were considered in the analysis of the project architecture:

Design Policy or Guideline (Architecture)	Comments
Architecture C2: In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and materials providing that it enhances the neighborhood.	<i>This portion of W. El Camino contains a variety of architectural styles and scales. The proposal will be compatible with the surrounding structures.</i>
Architecture C9: Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.	<i>The modern style architecture of the buildings has a number of design elements that create a high-quality product, including materials, roof form, and fenestration.</i>

Landscaping/Open Space: Current landscaping on site consists of linear lawn areas surrounding the site and several small planting areas. The total square feet of the existing landscaping equals approximately 17% of the total site, where 20% is required by City Code. Staff is supporting this deviation due to two constraints at this site. The first is the size of this site which is narrow (100 feet wide) compared with other commercial parcels along El Camino. The second is the access through the site which will utilize the egress easement to the back of the site. These constraints combine to make 20% landscaping of the site difficult. The existing landscaping could be expanded to meet code, but this would require removing parking spaces or driveway area that would create other deviations on site. Staff does not recommend this action in order to achieve compliance with the 20% required landscaping.

The site is only sparsely vegetated with bushes and few trees. The applicant is proposing to remove four trees from the site, two of which have been determined to be dead and two of which the City Arborist has determined to be

of little value. Between the subject site and Sunnyvale Honda to the west, there exists a 12-foot wide landscape strip. The area contains a short wood fence and scrub/natural vegetation. The applicant is proposing to replace the fence with a new four-foot high wood fence and to plant seven trees in this space. A total of 14 trees of varying species and size are proposed to be planted throughout the site. It is recommended that the City Arborist review and give final approval of the proposed landscape plan.

The applicant is also requesting a deviation from the 10-foot required landscape buffer between residential and commercial properties. Five parking spaces are proposed to be within a portion of this area where previously the trash enclosures were proposed to be located. The applicant redesigned the plans to move the trash bins out of this rear yard area in response to comments at the Planning Commission study session. SMC does not allow for any encroachments into this area, unless a deviation is approved through a Special Development Permit. The applicant has stated that these parking spaces will be designated as employee only parking, thereby limiting the number of trips per day. This has been included as Recommended Condition of Approval #6.

Use of Separation Wall: Sunnyvale Municipal Code requires a decorative masonry/sound wall separating residential and commercial uses. In this case, only the southern property line would be required to have 8-foot high masonry wall, since the proposed commercial building is a two-story structure. There is an existing 6-foot high masonry wall on the southern property line that is required to be raised to an 8-foot high wall.

The following Guidelines were considered in analysis of the project landscaping:

Design Policy or Guideline (Landscape)	Comments
Guiding Policy: Landscaping shall be used to enhance sites and buildings, control climate and noise, create transition between adjacent uses, unify various site components, and define and separate functions and activities.	<i>With the proposed landscaping enhancements, the project will comply with this policy.</i>
Landscaping A4: Properly landscape all areas not covered by structures, driveways, and parking.	<i>All areas not devoted to parking, driveways, storage, or building area will be landscaped. There is no excess hardscape proposed in this project.</i>

Parking/Circulation: SMC does not have a specific parking ratio for motorcycle dealership or automobile dealerships. Typically, these sites consist of larger parcels with ample on-site parking available for employees and customers. The City has applied a standard retail rate of 1/180 for auto dealerships, where almost all of the inventory is located outside. Staff recommends a parking ratio for this project consistent with retail sales of larger items, such as appliances or furniture (1/400). These items are generally bulky and require more retail floor space than common retail sales, such as sporting goods or office supplies. Staff believes that a motorcycle dealership should also be classified under this ratio due to the large display floor area required for the sale of motorcycles. Unlike auto dealerships, most of the inventory for motorcycle and generators will be indoors.

The proposed building will contain three levels of activities. The ground floor will be the primary display area or showroom floor, for motorcycles, wave runners, and generators. The first floor will also house the sales and financing offices. The second floor will contain display accessories, such as clothing and tires, and will also have motorcycle display areas. The parts counter and general administrative offices will also be located on this floor. The basement area will be used exclusively as storage.

Staff applied the 1/400 parking ratio to all three levels of the building. SMC has a parking ratio for vehicle repair (1/180), which was applied to the repair/service area of the project. As part of the repair/ service required parking, a parking credit is given for parking available in the service bay areas.

The following table reflects the required parking at the site:

Honda - Site Parking Analysis			
Type of Use	Total Square Footage	Parking Ratio	Total Number of Parking Spaces Required
Display /Office / Retail/ Storage	8,764 sf	1/400	21.9 min.
Basement Area (storage only)	3,843 sf	1/400	9.6 min.
Repair	1,932 sf	1/180 = 10.75	10.73 min.

Total	42.23 = 43
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The site is proposed to have 41 parking spaces on site where 43 are required. This is a deviation from the applied SMC parking standards by 2 parking spaces or 5%. Staff and the applicant worked closely together to attempt to resolve this issue by studying different parking configurations and various parking ratios that could bring the site into conformance, but no resolution could be reached. The constraints resulting from the parcel's shape, combined with the square footage of the buildings, has created a challenge in providing the appropriate number of parking spaces on site.

Staff contacted several surrounding cities (including San Jose, Mountain View, Santa Clara, Cupertino) to determine if other municipalities were applying different parking rates to motorcycle or auto dealerships. Staff found that these other cities had very similar ratios of 1/400 for display and retail areas. San Jose had an additional parking requirement to provide motorcycle parking spaces in addition to the required standard spaces.

The applicant has stated that motorcycle dealerships in general do not require as much parking or parking area as do typical auto dealerships. This is due first to the fact that many employees and customers arrive at the site using motorcycles. Motorcycles generally require only half the area for parking as automobiles. Second, motorcycle dealerships generally have a lower rate of customers visiting the site than would an auto dealership. The City's Transportation Division generally concurs with the applicant's statements, but was not able to quantify them using either SMC or the Institute for Traffic Engineers Handbook (ITE).

Staff has applied a much lower parking rate than would normally be applied to auto dealerships and therefore is not recommending approval of the requested deviation in the required parking. Staff is recommending Condition of Approval #5 to reduce the total size of the proposed building by 500 square feet in order to bring the total required parking down to 41 spaces. This reduced square footage may be taken from the basement area or the two above ground floors. Staff is recommending approval of the deviations for more than 50% compact parking spaces on site. Staff believes that an above average number of employees and customers will arrive at this site via motorcycle, so a larger number of compact spaces will function sufficiently for this use.

Staff has also included Recommended Condition of Approval #8 which states, in the future, if the site is converted to another type of use that would require additional parking spaces, such as general office or retail, the site must be brought into conformance with the required parking for that use at that time.

This may require the removal of the repair/service building to provide for additional on-site parking spaces. The applicant has stated that they have no intention of leaving Sunnyvale in the foreseeable future and plan to occupy this site indefinitely.

At the Planning Commission's study session, concerns were raised about the locked gate to the back of the site. This gate opens to a driveway, which crosses the adjacent parcels (access easements on adjacent parcels) and leads to Mary Avenue. The applicant has stated that this gate will remain unlocked during business hours for use by larger vehicles and vehicles with trailers. This feature of the site was attractive to the applicant since customers who bring trailers often have difficulty circulating on site. This gate will provide them with safe and convenient exiting from the site. Recommended Condition of Approval #7 has been included, which states, that the gate to the rear of the site shall remain unlocked during normal business hours, to allow pass through traffic for deliveries, solid waste disposal, customers with trailers, etc.

In general, staff believes that this Rezoning meets the intent of the Precise Plan and will further the vision for El Camino Real by allowing a use that is identified as desirable in the Precise Plan. In addition, granting the minor deviation (discussed below) will not impair the ability of other properties to conform to the requirements of the Precise Plan, since this project does not significantly affect the surrounding properties.

The following Guidelines were considered in analysis of the project parking and circulation:

Design Policy or Guideline (Parking/Circulation)	Comments
<p>Guiding Policy: Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized and mitigated.</p>	<p><i>Adequate parking and on-site vehicle and pedestrian circulation have been provided for the proposed use, with the conditions of approval.</i></p>

Noise: All repair and assembly work will occur within the existing service building. This is a cinder block building with service doors facing perpendicular to the adjacent residential uses. The proposed use is similar to

the previous auto repair use in this building, therefore, noise there will not be a noticeable difference in the noise levels from the perspective of the adjacent residents. Recommended Condition of Approval #11 has been added which limits all deliveries and parking lot sweeping to occur between the hours of 8am to 6pm, Monday to Saturday. No deliveries or sweeping are allowed on Sundays or National Holidays.

Trash Enclosure: SMC requires that commercial uses provide a centralized trash and recycling enclosure for the site. The applicant has incorporated their centralized enclosures and recycling bins into their enclosed service area near the rear of the site. The City's Solid Waste Division has reviewed and approved this location and has stated that circulation for the waste truck is sufficient.

Stormwater Management: This project does not require compliance with the new Stormwater Management requirements since the project is not disturbing one acre or more of area.

Easements/Undergrounding: The existing service utility drops will be required to be undergrounded as required by SMC.

Transportation Impact Fee

This project is subject to the Transportation Impact Fee. Condition of Approval 13 requires compliance with the traffic impact fees (currently estimated at \$17,470).

Compliance with Development Standards

Requested Deviations	Justifications
<ul style="list-style-type: none">20% of the site is required to be landscaped – 17% proposed	<ul style="list-style-type: none">This site has constraints which are creating site development hardships, that other commercial properties on El Camino do not face.
<ul style="list-style-type: none">10' landscape buffer in the rear yard – five parking spaces proposed to encroach	<ul style="list-style-type: none">This area is where previously the trash bins were located, so the impact is being minimized. The condition of approval for these spaces to be employee parking will also help to minimize the impact, as will the requirement for the 8' high block wall.

<ul style="list-style-type: none">• 41 parking spaces where 43 are required	<ul style="list-style-type: none">• The size and configuration of this parcel constrains site design such that meeting all SMC requirements cannot be achieved. Staff is recommending that the building be reduced in size in order to comply with the parking requirements.
<ul style="list-style-type: none">• Percent of compact spaces 55% where only 50% is allowed	<ul style="list-style-type: none">• A greater than average number of employees and customers will be driving motorcycles to this site, therefore, the number of standard spaces can be reduced without a negative effect on parking.

The proposal includes deviations from the landscape requirements that are not unusual for in-fill commercial developments. These sites were originally build under previous codes which did not require a minimum of 20% landscaping, therefore, subsequent redevelopments of the site often encounter difficulties in attempting to bring the site up to current code. Staff is supporting the requested deviations from the required landscaping.

Staff is not supporting the request for deviation from the total number of required parking spaces, since the deviations is not an existing non-conformity. The proposed project complies with all other current development standards, as discussed above. Staff is supporting the 55% compact parking spaces.

Expected Impact on the Surroundings

The proposed project will lead to a small increase in the intensity of use of the site, but no significant traffic or noise impacts are expected as a result of the project. There will not be a significant visual or aesthetic impact resulting from this project.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Rezone and Special Development Permit applications.

- Findings are located in Attachment 1.
- Conditions of Approval are located in Attachment 2

Fiscal Impact

No fiscal impacts are expected.

Public Contact

Notice of Mitigated Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">Published in the <i>Sun</i> newspaperPosted on the site<u>40</u> notices were mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">Posted on the City of Sunnyvale's WebsiteProvided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">Posted on the City's official notice bulletin boardCity of Sunnyvale's WebsiteRecorded for SunDial

Alternatives

Recommend that the City Council:

1. Adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 1044 W. El Camino Real from C-2 to C-2-ECR and approve the Special Development Permit with the attached conditions.
2. Adopt the Mitigated Negative Declaration and introduce an Ordinance to Rezone 1044 W. El Camino Real from C-2 to C-2-ECR and approve the Special Development Permit with modified conditions.
3. Adopt the Mitigated Negative Declaration and do not introduce an Ordinance to Rezone 1044 W. El Camino Real from C-2 to C-2-ECR and deny the Special Development Permit.
4. Not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative #1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Mitigated Negative Declaration/Initial Study
4. Site and Architectural Plans
5. Draft Rezoning Ordinance

Recommended Findings - Rezone

In order to approve a Rezoning request the City Council is required by Zoning Code Section 19.92.050 to make a finding that "the amendment, as proposed, changed, or modified, is deemed to be in the public interest." The proposed Rezoning is consistent with this finding because it is consistent with the proposed General Plan land use designation and assists the City in meeting its Precise Plan for El Camino Real.

Recommended Findings – Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Land Use and Transportation Element

Policy N1.2: *Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.*

This portion of W. El Camino contains a variety of architectural styles and scales. The proposal will be compatible with the surrounding structures.

Community Design Sub-Element

Policy C.4: *Encourage quality architectural design, which improves the City's identity, inspires creativity, and heightens individual as well as cultural identity.*

The proposed architecture incorporates high quality design and significantly improves the visual appearance of this existing commercial site.

2. Ensure that the site improvements, general appearance of proposed structures, and the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

The proposed architecture meets the City-Wide Design Guidelines, will be a benefit to the neighborhood both architecturally and economically, and is compatible with the existing zoning on the surrounding parcels.

Recommended Conditions of Approval – Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances and Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval.

Planning Department:

1. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
2. This Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
3. The conditions of approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
4. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site, or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development. Specific Deviations allowed with this Special Development Permit are as follows:
 - 20% of the site is required to be landscaped – 17% proposed
 - 10' landscape buffer in the rear yard – five parking spaces proposed to encroach
 - 41 parking spaces where 43 are required
 - Percent of compact spaces 55% where only 50% is allowed
5. Prior to the issuance of a Building Permit the project shall be redesigned so that the total size of the proposed building shall be reduced by 500 square feet in order to bring the total required parking down to 41 spaces.
6. The five compact parking spaces in the rear yard area will be designated as "Employee Only" parking spaces.
7. The gate to the rear of the site shall remain unlocked during normal business hours, to allow pass through traffic for deliveries, solid waste, customers with trailers, etc.
8. If the site is converted to another use in the future that would require additional parking spaces, such as general office or retail, the site shall be brought into conformance with the required parking for that use at that

time. This may require the removal of the repair/service building to provide for additional on-site parking spaces.

9. The basement area will only be used as a storage area. It shall not be used as retail sales, office, or any other use not approved through this Special Development Permit.
10. Prior to the issuance of a Building Permit, the exterior colors shall be modified to the satisfaction of the Director of Community Development.
11. All deliveries to the site and parking lot sweeping shall be limited to the hours of 8am to 6pm, Monday to Saturday. No deliveries or sweeping are allowed on Sundays or National Holidays.
12. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
13. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

Landscaping and Site Plan

14. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
 - a) A tree protection plan shall be submitted for any existing trees on the site or adjacent right-of-way. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
 - b) Any protected trees, (as defined in SMC Section 19.94) approved for removal, shall be replaced with a specimen tree as approved by the Director of Community Development.
 - c) Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to water pollution.
 - d) Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - e) Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area.

- f) Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
 - g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - h) All areas not required for parking, driveways or structures shall be landscaped.
 - i) 50% shading requirement.
15. Appropriate planting measures shall be used in locations where new trees are planted adjacent to new paving areas, so that future tree roots to do not cause damage to the surrounding hardscape. The Director of Community Development shall have final approval prior to issuance of the building permits.
16. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
17. Submit details and specifications of all exterior lighting to be used on each house or in the front yards for review and approval by the Director of Community Development. Lighting plan should include:
- Sodium vapor (of illumination with an equivalent energy savings).
 - Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than 8 feet in height on the periphery of the project.
 - Provide photocells for on/off control of all security and area lights.
 - Lights shall have shields to prevent glare onto adjacent residential properties.

Fire Prevention:

18. Comply with the Sunnyvale Fire Prevention Code (MC 2099-84; Title 19 of Calif. Admin. Code Sec.1.12(l); UFC 1982 Edition).

Mitigation Measures:

19. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts. All mitigations are to be completed by the developer prior to occupancy.

- WHAT: 1) All parking lot lighting shall be down lit.
2) No flood lighting shall be allowed.
3) No lighting from the building or the parking lot lights, will cast across any property lines.

- 4) A lighting plan is required to be submitted with the building permits and is required as a condition of approval.

WHEN: These mitigation measures will be converted into conditions of approval for this Special Development Permit prior to its final approval by the City Council. The conditions will become valid when the SDP is approved and prior to building permit issuance.

WHO: The property owner will be solely responsible for implementation and maintenance of these mitigation measures.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

WHAT: 1) The applicant is responsible for onsite monitoring of project-related construction. In the event that subsurface cultural resources are encountered during approved ground-disturbing activities, work in the immediate vicinity shall be stopped and a qualified archaeologist retained to evaluate the finds. The discovery or disturbance of any cultural resources shall also be reported to the California Historic Resources Information System (CHRIS) and, if Native American artifacts are found, to the Native American Heritage Commission. Identified cultural resources should be recorded on form DPR 523 (historic properties). Mitigation measures prescribed by these groups and required by the City of Sunnyvale should be undertaken prior to resumption of construction activities.

- 2) If human remains are found during project grading, work shall halt and the County Coroner shall be informed immediately. If the Coroner determines that no investigation of the cause of death is required, and if the remains are of Native American origin, the Native American Heritage Commission should be contacted and further actions should be taken in consultation with them.

- 3) If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in Section 15126.4 of the CEQA Guidelines, shall be implemented.

WHEN: These mitigation measures will be converted into conditions of approval for this Special Development Permit prior to its final approval by the City Council. The conditions will become valid when the SDP is approved and prior to building permit issuance.

WHO: The property owner will be solely responsible for implementation and maintenance of these mitigation measures.

HOW: The conditions of approval will require these mitigation measures to be incorporated into the construction plans.

Transportation Impact Fee:

20. Prior to issuance of a building permit, traffic impact fees are estimated to be \$17,470. This fee may change since they are calculated at the time of building permit issuance.